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Supreme Court, U.S.
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In The

Supreme Court of the United States

08-637

Sgt. Emmett L. Williams
Petitioner, Plaintiff
-Vs.-

State of Georgia, "et al." **07-13610 (1:02-CV-2197)**
Respondents, Defendants

On MAY 07, 2008, the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally **DISMISSED** the Plaintiff's Appeal Court Case (07-13610 or 1:02-CV-2197) by Unconstitutionally filing **a BOGUS NULL or VOIDED APRIL 24, 2007 Order** that was declared Undeliverable to the Plaintiff Address by the U.S. Postal Service **on MAY 03, 2007** in accordance **with text #9 of the DOCKET SHEET** and by Unconstitutionally filing **a BOGUS NULL or VOIDED MAY 09, 2007 Order** that was declared Undeliverable to the Plaintiff's Address by the U.S. Postal Service **on JUNE 15, 2007** in accordance **with text # 17 of the DOCKET SHEET** where a **30 days NOTIFICATION** was **NEVER** established to the Plaintiff's Address by the U.S. Postal Service **with the BOGUS NULL or VOIDED APRIL 24, 2007 Order or with the BOGUS NULL or VOIDED MAY 09, 2007 Order** where this Case (1:02-CV-2197) was **NEVER** Officially or Constitutionally **DISMISSED on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best (28 U.S.C. &2403(a)(b)).

Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit and the United States District Court for Northern District of Georgia

PETITION FOR WRIT OF CERTIORARI

Sgt. Emmett L. Williams,
Pro-Se Litigant and Petitioner
1284 Bedford Avenue, Columbus, Georgia 31903

In the name of **JUSTICE** because **JUSTICE so REQUIRES**

QUESTIONS PRESENTED

Why the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** would Unconstitutionally **BLOCK, DENY, or DEPRIVE** the Plaintiff as a Black Disabled United States American Citizen of his Constitutional Rights **as to having a JURY TRIAL under the 7th and the 14th AMENDMENTS** because **on SEPTEMBER 27, 2002**, the Plaintiff was Unconstitutionally **TERMINATED** from his Job of Employment for exercising his Constitutional Rights by **RECORDING and FILING** his E.E.O.C. Lawsuit Case (1:02-CV-2197) **in FEDERAL COURT on AUGUST 08, 2002** and then the Plaintiff had the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** served on the exact same day just before the Plaintiff was Unconstitutionally and Wrongfully Terminated **on SEPTEMBER 27, 2002** where the Defendants were Served **on SEPTEMBER 27, 2002** within the legal Serving Limits of the 120 days Statue that was issued to the Plaintiff **on AUGUST 08, 2002** by the United States District Court Clerk's Office for the Northern District of Georgia **that existed from AUGUST 08, 2002 to DECEMBER 06, 2002** where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee **to the Clerk of the FEDERAL COURT on AUGUST 08, 2002** that has led to the following **QUESTIONS;**

1. The Question is how is it possible for the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** to Obstruct Federal Justice by Unconstitutionally Terminating the Plaintiff's Job of Employment on **SEPTEMBER 27, 2002** for exercising his Constitutional Rights as to filing his E.E.O.C. Lawsuit in Federal Court **on AUGUST 08, 2002** and then the Plaintiff had the

Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** served **on SEPTEMBER 27, 2002** where this Case and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediate after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

2. The Question is how is it possible for the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** to Obstruct Federal Justice by Unconstitutionally **PURCHASING** the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) from the **NON-FIDUCIARY** Attorney Charles D. Best after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had been already **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitles as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

3. The Question is how is it possible for Judge **ROBERT L. VINNING, JR.** to Obstruct Federal Justice by Unconstitutionally acting on the behalf of the

Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** by Unconstitutionally making the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) just **Mysteriously and Unconstitutionally** just **DISAPPEARED** from any and all Courthouse **Records and Files** in the Atlanta Federal Courthouse after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had been already **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PRORECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

4. The Question is how is it possible for the Magistrate Judge **GERRILYN BRILL** to Obstruct Federal Justice by Unconstitutionally acting on behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, and the **NON-FIDUCIARY** Attorney Charles D. Best when the Magistrate Judge **GERRILYN BRILL** Unconstitutionally issued the Plaintiff a **BOGUS SHOW CAUSE ORDER** after the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had already been **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the

Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

5. The Question is how is it possible for Judge **ROBERT L. VINING, JR** and the **NON-FIDUCIARY** Attorney Charles D. Best to Obstruct Federal Justice by Unconstitutionally acting on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** when Judge **ROBERT L. VINING, JR.** Unconstitutionally permitted and allowed the **NON-FIDUCIARY** Attorney Charles D. Best as to Unconstitutionally Signing and Filing **a FRAUDULENT NON-FIDUCIARY FEBRUARY 12, 2003 DISMISSAL DOCUMENT** without the Plaintiff's Knowledge and without the Plaintiff's Signature of Approval or Consent where it is clear that the Plaintiff has **RESCINDED the FRAUDULENT NON-FIDUCIARY FEBRUARY 12, 2003 DISMISSAL DOCUMENT** that was filed by the **NON-FIDUCIARY** Attorney Charles D. Best as being totally and completely **NULL and VOID**, and it is clear that this Case (1:02-CV-2197) **was NEVER Officially or Constitutionally DISMISSED on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best under a Unconstitutional Umbrella of **FRAUD and COLLUSION** with the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, and the Magistrate Judge **GERRILYN BRILL** which means that this Case (1:02-CV-2197) is still **an ACTIVE, VALID, and ENFORCEABLE** Lawsuit Case (1:02-CV-2197) where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL**

PROTECTION immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

6. The Question is how is it possible for the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** to Obstruct Federal Justice by Unconstitutionally acting on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, the Magistrate Judge **GERRILYN BRILL**, and the **NON-FIDUCIARY** Attorney Charles D. Best by Unconstitutionally Filing **a BOGUS NULL or VOIDED APRIL 24, 2007 Order** that was declared Undeliverable to the Plaintiff's Address by the U.S. Postal Service **on MAY 03, 2007 in accordance with text #9 of the DOCKET SHEET** and by Unconstitutionally Filing **a BOGUS NULL or VOIDED MAY 09, 2007 Order** that was declared Undeliverable to the Plaintiff's Address by the U.S. Postal Service **on JUNE 15, 2007 in accordance with text #17 of the DOCKET SHEET** where **a 30 days NOTIFICATION** was **NEVER** established to the Plaintiff's Address by the U.S. Postal Service **with the BOGUS NULL or VOIDED APRIL 24, 2007 Order or with the BOGUS NULL or VOIDED MAY 09, 2007 Order** where Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally just pretended as if they did not Constitutionally Comprehend or Understand that this Case (1:02-CV-2197) was **NEVER** Officially or Constitutionally **DISMISSED on FEBRUARY 12, 2003 by the NON-FIDUCIARY Attorney Charles D. Best** because the **NON-FIDUCIARY** Attorney Charles D Best did not have the **FIDUCIARY AUTHORITY on FEBRUARY 12, 2003** without the Plaintiff's Signature of

Approval or Consent where the Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Sgt. Emmett L. Williams –vs.- State of Georgia Department of Defense National Guard Headquarters "et al." Case No. 07-13610 (1:02-CV-2197)

The undersigned Petitioner, Sgt. Emmett L. Williams, hereby certifies that the following is a complete list of person and entities that who have an interest in the outcome of this case:

1.) Sgt. Emmett L. Williams, Petitioner
2.) The State of Georgia DOD National Guard Headquarters under
3.) Maj. Gen. David Poythress, Commander as a related Respondent
4.) Thomas H. Blackstock, Facilities Manager, as a related Respondent
5.) James Bruno, Chief of Staff and Appointing Authority, as a related Respondent
6.) Kenneth R. Weldrep, J.A.G. and Prosecuting Attorney, as a related Respondent
7.) Lois Oakley, State Administrative Hearing Chief Law Judge, as a related Respondent
8.) W. Joseph Baird, state Administrative Hearings Judge, as a related Respondent
9.) Ed. Chamberlain, DOD Personnel Administrator, as a related Respondent
10.) Sandra Bruce, DOD Personnel Administrator, as a related Respondent
11.) Raymond Faunt, Security Manager and the Plaintiff's Immediate Supervisor, as a related Respondent

12.) The Non-Fiduciary Attorney Charles D. Best Unconstitutionally Breached all of his Fiduciary Responsibilities to his client (the Plaintiff) **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** under the Unconstitutional Umbrella of **FRAUD and COLLUSION** with the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** under a Prohibited Unconstitutional Monetary Undisclosed Dual Agency Relationship where the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) were **PURCHASED and SOLD** by these individuals as if the Plaintiff was a Slave.

13.) G. Melton Mobley, the Respondents' Attorney
14.) Bryan K. Webb, the Respondents' Attorney
15.) Dennis R. Dunn, the Respondents' Attorney
16.) Thurbert E. Baker, the Respondents' Attorney

17.) Robert L. Vining, Jr. is the United States District Judge that Obstructed Federal Justice by Unconstitutionally making the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) just **Mysteriously and Unconstitutionally** just **DISAPPEARED** from any and all Courthouse Records and Files in the Atlanta Federal Courthouse after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had been **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best.

18.) Gerrilyn G. Brill is the United States Magistrate Judge that Obstructed Federal Justice by Unconstitutionally issuing the Plaintiff a Bogus **JANUARY 13, 2003 Show Cause Order** as a

direct means as to Covering-Up and Concealing the Criminal Conduct and Activities of Obstructing Federal Justice that were Unconstitutionally Committed by the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, and the **NON-FIDUCIARY** Attorney Charles D. Best **from SEPTEMBER 27, 2002 to JANUARY 13, 2003 and then thereafter;**

19.) David E. Nahmias, United States Attorney
20.) Melaine A. Williams, Assistant United States Attorney
21.) Paul D. Clement, Solicitor General of the United States
22.) Ms. Pamela S. Stephenson, Attorney At Law
23.) Sanford D. Bishop, United States Congress
24.) John Lewis, United States Congress
25.) David Scott, United States Congress
26.) Jesse Jackson, Jr., United States Congress
27.) Henry C. Hank Johnson, United States Congress
28.) Kendrick Meek, United States Congress
29.) Keith Ellison, United States Congress
30.) Artur Davis, United States Congress
31.) John Conyers, United States Congress
32.) Charles Rangel, United States Congress
33.) Nancy Pelosi, United States Congress
34.) Carolyn Kilpatrick, United States Congress
35.) Maxine Waters, United States Congress
36.) Mel Watt, United States Congress
37.) Hillary Clinton, United States Senate
38.) Joseph R. Biden, Jr., United States Senate
39.) Bennie Thompson, United State Congress
40.) Ms. Grace Chung Becker, United States Deputy Assistant Attorney General for Civil Rights
41.) Barack Obama, United States Senate
42.) Ms. Vera J. Sims, Federal E.E.O.C.

43.) Ms. Bernice Williams-Kimbrough, Federal E.E.O.C.
44.) Alfonza Whitaker, Attorney At Law
45.) Alonza Whitaker, Attorney At Law

/s/ Emmett L. Williams
Sgt. EMMETT L. WILLIAMS, Petitioner
Pro-Se Litigant

The Supreme Court of the United States should grant the Petitioner this petition **for a WRIT OF CERTIORARI** and Reverse **the MAY 07, 2008 Unconstitutional Decision** that Unconstitutionally Denied the Plaintiff of Reconsideration **on JUNE 18, 2008** by the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** because the Decision that was rendered by Circuit Judges **BLACK, MARCUS, and WILSON** was Totally and Completely **BOGUS** (28 U.S.C. &2403(a)(b)).

TABLE OF AUTHORITIES

The Facts, the Laws, and the Evidences:

a.) The United States Constitution
b.) The Declaration of Independence
c.) The Emancipation Proclamation

d.) The Defendants, Judge **ROBERT L. VINING, JR.**, the Magistrate Judge **GERRILYN BRILL**, and the **NON-FIDUCIARY** Attorney Charles D. Best under the Unconstitutional Umbrella of **FRAUD and COLLUSION** cannot Unconstitutionally Block, Deny, Deprive the Plaintiff of his Constitutional Rights **as to LIFE, LIBERTY, PROPERTY (a JOB), DUE PROCESS OF LAW, and EQUAL PROTECTION OF THE LAW as to having a JURY TRIAL** under the 7th and the 14th Amendments

e.) It is Unconstitutional as to Unconstitutionally **DISMISSING** a E.E.O.C. Federally Filed Lawsuit Case under the Unconstitutional Umbrella of **FRAUD and COLLUSION**

f.) Duress, in accordance with State and Federal Law
g.) Defamation of Character, in accordance with State and Federal Laws
h.) Mental Anguish, in accordance with State and Federal Laws
i.) Mental Stress, in accordance with State and Federal Laws
j.) Sexual Harassment, in accordance with State and Federal Laws
k.) Sexual Assault, in accordance with State and Federal Laws

l.) The United States Constitutional Civil Rights Acts of 1964, 1981, and 1991 as amended "et."

m.) The Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution that under Title I, Title V, and Title VII

n.) The Georgia Commission on Equal Opportunity Letter Dated October 22, 2001 from Mr. Todd S. Garrison that confirms that the starting date of the Petitioner's 300 days filing Statutory Period started on October 22, 2001 that is undeniable and undisputed by the Respondents

o.) The U.S. Equal Employment Opportunity Commission Right to Sue Letter Dated May 15, 2002 that is undeniable and undisputable by the Respondents

p.) The State Bar of Georgia Letter from the Office of the General Counsel that confirms that the Attorney Charles D. Best is a shady and unscrupulous individual dated July 20, 2005 where all transactions made by the Attorney Charles D. Best has been **RESCINDED**.

q.) **GEORGIA STATE LAW GENERAL DEFINITION OF DUAL AGENCY**. A dual agency arrangement is one in which an agent has been empowered to act for more than one party in a particular transaction. Dual Agency is only allowed with the knowledge and consent of all parties involved, and the agreement for such a relationship must be in writing. Without proper disclosure of the dual agency, no commission or fee may be earned by the agent, the agent may be liable to one or more parties for actual and /or punitive damages, and in some circumstance, one or more parties to the transaction may elect to rescind the transaction.

r.) The State of Georgia Performance Management Forms under the year 2000 ending dates that give a clear description as to the Petitioner's Employment History and Job Expectations and Performances that are undeniable and undisputable by the Respondents

s.) The Georgia Department of Defense Letter from the State Personnel Office Dated March 12, 2001 by Defendant Sandra Bruce that confirms the Effective Date of May 01, 1998 for the State DOD Personnel Policies and Procedures that is undeniable and undisputable by the Respondents

t.) The Georgia Department of Defense Personnel Policies and Procedures with the Effective Date of May 01, 1998 that is undeniable and undisputable by the Respondents

u.) DCS-OPS-MS (190) Regulated Job Description Dated 29 June 1995 that confirms that the Petitioner has been exercising his Authority since 1995 of authorizing and scheduling Leave for himself and his employees.

v.) A State of Georgia Training Certificate that was issued to the Petitioner and signed by the Governor Zell Miller for the successful completion of this training that makes the Petitioner an authority on this subject that is undeniable and undisputable by the Respondents

w.) The Performance Management Process Training under the Georgia Gain Guidelines of S.M.A.R.T. was never conducted by the Respondents with a P.M.P. as apart of the State DOD Personnel Policies and Procedures when the Respondents terminated the Petitioner's Employment that was in direct violations of the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution that is undeniable and undisputable by the Respondents

x.) The Letter from Kaiser Permanente Dated September 20, 2002 that confirms that the Petitioner was under the Doctor's Care and Treatment awaiting surgery when the Respondents violated the E.E.O.C. Title I, Title V, and Title VII by Harassing and Terminating the Petitioner's Employment for filing his Lawsuit in Federal Court on August 08, 2002 that is undeniable and undisputable by the Respondent

y.) The Leave Grids signed by Sgt. Williams while under the non-established supervision of Mark Williams that was not in accordance to the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations that confirms that the Petitioner was still authorizing Leave for himself and his employees that is undeniable and undisputable by the Respondents

z.) The Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 that are undeniable and undisputable by the Respondents.

APPENDIX

1. **Appendix A** (1a., 2a., 3a., and 4a.) – United States Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON MAY 07, 2008 Decision** as to Unconstitutionally Dismissing the Plaintiff's Appeal Case (07-13610) when they knew all the time **that the Bogus Null or Voided APRIL 24, 2007 Order and the Bogus Null or Voided MAY 09, 2007 Order** were both Undeliverable to the Plaintiff's Address by the U.S. Postal Service **where a 30 days NOTIFICATION was NEVER established for the Bogus Null or Voided APRIL 24, 2007 Order or the Bogus Null or Voided MAY 09, 2007 Order.**

2. **Appendix B** (1b.) – United States Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** denied the Plaintiff's Reconsideration Request that was denied **on JUNE 18, 2008** where Circuit Judge **BLACK, MARCUS, and WILSON** Unconstitutionally filed **a BOGUS NULL or VOIDED APRIL 24, 2007 ORDER and a BOGUS NULL or VOIDED MAY 09, 2007 Order** because the U.S. Postal Service never delivered these two Orders to the Plaintiff's Address where the Plaintiff **NEVER** received a 30 days **NOTIFICATION PERIOD**

APPENDIX EXHIBITS
SEPARATE DOCUMENTED FACTS
AND EVIDENCES APPENDICES

3 **Appendix C** (1c.) – this is the First Order that was delivered to the Plaintiff's Address by the U.S. Postal Service from Judge **ROBERT L. VINING, JR** that was dated **JULY 18, 2007** where the Plaintiff immediately filed **a NOTICE OF APPEAL on JULY 27, 2007 that existed from JULY 18, 2007 to AUGUST 17, 2007** that was filed within the legal filing limits of **the 30 days NOTIFICATION Statue**.

4. **Appendix D** (1d , 2d., 3d , and 4d) – This is a reprint of the **DOCKET SHEET** that proves that the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally filed **a BOGUS NULL or VOIDED APRIL 24, 2007 ORDER and BOGUS NULL or VOIDED MAY 09, 2007 ORDER to Obstruct Federal Justice** in this Case (1:02-CV-2197)

5. **Appendix E** (1e., 2e., and 3e.) – **The Termination or Separation Notice** that the Plaintiff Unconstitutionally received immediately after serving the Defendants **on September 27, 2002** of the Plaintiff's E.E.O.C. Lawsuit Case (1:02-CV-2197)

6. **Appendix F** (1f., 2f., 3f., 4f., and 5f.) – This is the Complaint Form that was submitted to the **Georgia Commission on Equal Opportunity (G.C.E.O.)** that was Notarized by a Notary Public **on OCTOBER 03, 2001** during a serious Arm and Elbow Injury where the Plaintiff mailed his Complaint to the (G.C.E.O.) on **OCTOBER 17, 2001**, and it was Received, Recorded, and Filed by the Intake Coordinator Mr. Todd S. Garrison on **OCTOBER 22, 2001** that existed **from OCTOBER 22, 2001 to AUGUST 18, 2002**

7. **Appendix G** (1g., 2g., and 3g.) - This is a reprint of the Confirmation Letter that was sent to the Plaintiff **on October 22, 2001** from the Intake Coordinator Mr. Todd S. Garrison that confirm the starting point of the Plaintiff's E.E.O.C. 300 days Filing Statutory Period **that existed from OCTOBER 22, 2001 to AUGUST 18, 2002,**

8. **Appendix H** (1h., 2h., and 3h.) – This is a reprint of **the U.S. EQUAL EMPLOYMENT OPPORTUNITY DIMISSAL AND NOTICE OF RIGHTS LETTER dated MAY 15, 2002 that exists for 90 days** or the Plaintiff's Right-To-Sue-Letter from the E.E.O.C. under charge number 11BA200017 that exists for 90 days **that existed from MAY 15, 2002 to AUGUST 13, 2002**

9. **Appendix I** (1i., 2i., 3i., 4i, and 5i) – This is the Plaintiff's **STANDARD OPERATING PROCEDURES OF DCS-OPS-MS (190)** that was issued to the Plaintiff **on 29 JUNE 1995 that was never changed, altered, amended, or deleted** that was issued to the Plaintiff in the form of a Memorandum that **CLEARLY** states as to how much Authority the Plaintiff have for issuing himself **LEAVE TIME** where the Plaintiff has done since the year 1995 where everything changed immediately and Unconstitutionally **on SEPTEMBER 27, 2002**

10. **Appendix J** (1j., 2j., 3j, and 4j. – This is reprint of **the DECEMBER 01, 2005 Letter** that the Plaintiff received **from the STATE BAR OF GEORGIA** with a reprinted Attached Copy of the **GEORGIA STATE SUPREME COURT DECISION** that was ruled in of the Plaintiff's favor on **NOVEMBER 21, 2005** where **the NON-FIDUCIARY** Attorney Charles D. Best was **DISBARRED** for violating his **FIDUCIARY RESPONSIBILITIES** to his Client (the Plaintiff) **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** under a Unconstitutional Umbrella of **FRAUD and COLLUSION**

11. **Appendix K** (1k. and 2k.)– This is the Doctor's Letter from Kaiser Permanente **that is dated SEPTEMBER 20, 2002** which pre-dated the Plaintiff's Wrongful and Unconstitutional Termination by total of seven (7) days while the Plaintiff was still employed by the State of Georgia **on SEPTEMBER 20, 2002** where the Plaintiff was **on LEAVE** awaiting Surgery **in accordance with the STANDARD OPERATING PROCEDURES OF DCS-OPS-MS (190) 29 JULY 1995** where the Defendants under **DAVID POYTHRESS COMMAND** violated the Doctor's Orders **on SEPTEMBER 27, 2002** that was dated **on SEPTEMBER 20, 2002.**

OPPINION BELOW

The 11th Circuit Court of Appeals under **BLACK, MARCUS, and WILSON** did not select its Opinion for Publication. **The MAY 07, 2008 Order and Opinion with the Denial for Reconsideration on JUNE 18, 2008** will be reprinted in the Appendix for the Supreme Court's Review. The United States District Court under Judge **ROBERT L. VINING, JR.** did not publish an Opinion either because the First 30 days Notification Order that was delivered and received at the Plaintiff's Address through by the U.S. Postal Service was dated **on JULY 18, 2007** where it was the Plaintiff that immediately filed for **a NOTICE OF APPEAL on JULY 27, 2007**. The Plaintiff will reprint **the JULY 18, 2007 Order** in the Appendix for the Supreme Court's Review (28 U.S.C. &2403(a)(b)).

JURISDICTION

The 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** filed a Unconstitutional Decision **on MAY 07, 2008 along with Denying Reconsideration on JUNE 18, 2008** that Unconstitutionally **BLOCKED, DENIED, and DEPRIVED** the Plaintiff of his Constitutional Rights **as to any kind of LIFE, LIBERTY, PROPERTY (a JOB), DUE PROCESS OF LAW, and EQUAL PROTECTION OF THE LAW** of having **a JURY TRIAL under the 7th and the 14th AMENDMENTS.**

The 11th Circuit Court of Appeals under **BLACK, MARCUS, and WILSON** Unconstitutionally entered an Order that Unconstitutionally Denied the Petitioner's Motion for Reconsideration **on JUNE 18, 2008** where the Plaintiff is filing his Appeal to the Supreme Court of the United States **within 90 days of the JUNE 18, 2008 Reconsideration Denial Date**. The Supreme Court of the United States has **JURISDICTION under 28 U.S.C. &1254(1)** as to reviewing the Bogus Unconstitutional Decision that was made by the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** under **A WRIT OF CERTIORARI** (28 U.S.C. &2403(a)(b)).

STATUTORY PROVISION INVOLVED

(1.) The E.E.O.C. 300 days Filing Statutory Time Period that existed **from OCTOBER 22, 2001 to AUGUST 18, 2002** that was Constitutionally **MET** by the Plaintiff when the Plaintiff filed his E.E.O.C. Lawsuit Case (1:02-CV-2197) in the Atlanta Federal Courthouse **on AUGUST 08, 2002** which means that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law to **DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

(2.) The E.E.O.C. 90 days Right-to-Sue Letter that was issued by the E.E.O.C. that existed **from MAY 15, 2002 to AUGUST 13, 2002** that was Constitutionally **MET** by the Plaintiff when the Plaintiff filed his E.E.O.C. Lawsuit Case (1:02-CV-2197) in the Atlanta Federal Courthouse **on AUGUST 08, 2002** which means that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law to **DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** (28 U.S.C. &2403(a)(b)).

(3.) The Constitutional 120 days Serving Statutory Time Period that was issued by the United States District Court Clerk's Office for the Northern District of Georgia to the Plaintiff **on AUGUST 08, 2002** that **existed from AUGUST 08, 2002 to DECEMBER 06, 2002** was **MET** by the Plaintiff when the Plaintiff had the Defendants served **on SEPTEMBER 27, 2002** where those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) were filed in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best which means that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under FEDERAL PROTECTION immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court on AUGUST 08, 2002 where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law to **DUE PROCESS OF LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

(4.) The First Order that was graphed by Judge **ROBERT L. VINING, JR.** that was delivered to the Plaintiff's Address by the U.S. Postal Service that gave the Plaintiff **a 30 days NOTIFICATION** was dated **JULY 18, 2007** which was **MET** by the Plaintiff when the Plaintiff immediately filed his **NOTICE OF APPEAL on JULY 27, 2007** which was within the **30 days NOTIFICATION** Statutory Time Period **that existed from JULY 18, 2007 to AUGUST 17, 2007** which means that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court on AUGUST 08, 2002 where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law to **DUE PROCESS OF THE LAW and EQUAL PROTECT OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received where this Case (1:02-CV-2197) was **NEVER** Officially or Constitutionally **DISMISSED on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best (28 U.S.C. &2403(a)(b)).

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5. The **MAY 07, 2008 Decision** made by the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally Dismissed the Plaintiff's Appeal Case (07-13610) from the 11th Circuit Court of Appeals where the 11th Circuit Court of Appeal under Circuit Judges **BLACK, MARCUS, and WILSON did not file their decision on MAY 07, 2008 in Good Faith** where this decision that was made by the 11th Circuit Court of Appeals under **BLACK, MARCUS, and WILSON** was totally and completely **BOGUS** where it was totally and completely without any Grounds or Merits whatsoever and should be totally and completely disregarded during any of the future proceedings that would concern this Case (1:02-CV-2197) (28 U.S.C. &2403(a)(b)).

This Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received where it is clear that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both are Constitutionally **within the Federal Jurisdiction of the 11th Circuit Court of Appeals and the Supreme Court of the United States for filing for a NOTICE OF APPEAL** where the Plaintiff is requesting that the Federal Court will be Fair and Impartial in this Case (1:02-CV-2197) where the Plaintiff is requesting **that the Supreme Court of the United States to be Fair and Impartial by sending this Case (1:02-CV-2197) and the Plaintiff's Job of Employment back to the United States District Court for TRIAL with an Immediate Change In VENUE to the Middle District of Georgia under a Fair and Impartial Federal Judge and Jury within the Muscogee County Area** (28 U.S.C. &2403(a)(b))

STATEMENT OF FACT

(FACT #1.)

From DECEMBER 21, 2000 to AUGUST 07, 2001 that have Unconstitutionally continue to the PRESENT, the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** Unconstitutionally under the Unconstitutional Umbrella of **FRAUD** targeted the Plaintiff and the Plaintiff's Job of Employment for a Unconstitutional Termination **just because the Plaintiff's Skin Color is Black** after the Plaintiff had Faithfully Served the State of Georgia National Guard Headquarters for more than 15 years with an **OUTSTANDING and IMPECCABLE** Personnel Service Record that the Plaintiff built-up for himself over the course of those 15 years (28 U.S.C. &2403(a)(b)).

(FACT #2.)

It was the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** that Unconstitutionally created, promoted, staged, manipulated, and controlled the Unconstitutional Sexual Harassment Course of an Ungodly Homosexual Environment and Atmosphere of Homosexual Overtones all around the Plaintiff's working area or Jobsite while the Plaintiff was on duty on the Job as to Unconstitutionally making the Plaintiff very uncomfortable while the Plaintiff was on duty that was designed as a direct means **as to Unconstitutionally LURING** the Plaintiff into a Chaotic, Hostile, and Violent Ungodly Homosexual Confrontation or Fight on the Job and Jobsite where the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** Unconstitutionally manipulated and Controlled where the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** Unconstitutionally forced the

Plaintiff as to Unconstitutionally Experiencing **unnecessary High Blood Pressure** that Unconstitutionally led to forcing the Plaintiff as to suffering Unnecessarily as being a Unconstitutional Victim of **RACIAL DISCRIMINATION, DURESS, MENTAL ANGUISH, MENTAL STRESS, DEFAMATION OF CHARACTER, SLANDER, SEXUAL HARASSMENT with Ungodly HOMOSEXUAL OVERTONES along with a NON-PROVOKED SEXUAL ASSAULT with Ungodly HOMOSEXUAL OVERTONES** that occurred during **DECEMBER 21, 2000 to AUGUST 07, 2001 to the Wrongful Termination of the Plaintiff's Job of Employment on SEPTEMBER 27, 2002** (28 U.S.C. &2403(a)(b)).

(FACT #3.)

On OCTOBER 03, 2001, the Plaintiff graphed his own Complaint to **the GEORGIA COMMISSION on EQUAL OPPORTUNITY (G.C.E.O.) where the Plaintiff had this Complaint Notarized on October 03, 2001 by a Notary Public as required** where this is where the Plaintiff Officially and Constitutionally charged the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND with Unnecessary Racial Discrimination, Unnecessary Duress, Unnecessary Mental Anguish, Unnecessary Mental Stress, Unnecessary Defamation of Character, Unnecessary Slander, Unnecessary Sexual Harassment with Ungodly Homosexual Overtones, and with a Sexual Assault with Ungodly Homosexual Overtones** where it was the Plaintiff that requested within this complaint to the G.C.E.O. for an immediate transfer to the Federal E.E.O.C. upon the receipt of this Notarized Document and Complaint to the G.C.E.O. where this filing to the G.C.E.O. was within full and complete compliance

of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

(FACT #4.)

On OCTOBER 17, 2001, the Plaintiff mailed his Notarized Complaint to the G.C.E.O. in Atlanta, Georgia through the U.S. Postal Service during the same time where the Plaintiff had been Hospitalized from the resulted of a fall and injury to the Plaintiff's Right Arm and Elbow where the Plaintiff was under the Doctor's Care and Treatment awaiting Surgery **on OCTOBER 17, 2001** where **this Mailing on October 17, 2001** was within full and complete Compliance of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII (28 U.S.C. 2403(a)(b)).

(FACT #5.)

On OCTOBER 22, 2001, the Plaintiff's Complaint was **received, recorded, and filed** at the G.C.E.O **by Intake Coordinator Mr. Todd S. Garrison** where Mr. Todd S. Garrison granted the Plaintiff his request as requested for being transferred to the Federal E.E.O.C. where Mr. Todd S. Garrison issued **Case # 11BA20017 on October 22, 2001** to the Plaintiff where the Plaintiff's E.E.O.C. 300 days Filing Statutory Time Period started **on October 22, 2001 that existed from October 22, 2001 to August 18, 2002** where **on October 22, 2001 as being the day that this complaint was received, recorded, and filed by the G.C.E.O** was within full and complete Compliance of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

(FACT #6.)

On MAY 15, 2002, the Plaintiff was issued his Right-To-Sue-Letter from the Federal E.E.O.C. **that was dated MAY 15, 2002 by the Regional Director Ms. Bernice Williams-Kimbrough** where the Plaintiff was given a total of 90 days to file a Lawsuit in State or Federal Court **that existed from MAY 15, 2002 to AUGUST 13, 2002** where **this E.E.O.C. Right-To-Sue-Letter** was within full and complete Compliance of the Federal Laws of the E.E.O.C. under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

(FACT #7.)

On AUGUST 08, 2002, the Plaintiff graphed and filed his own E.E.O.C. Federally Filed Lawsuit Case in Federal Court **under Case #1:02-CV-2197** where the Plaintiff Officially and Constitutionally charged the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND with UNNECESSARY RACIAL DISCRIMINATION, with UNNECESSARY DURESS, with UNNECESSARY MENTAL ANGUISH, with UNNECESSARY MENTAL STRESS, with UNNECESSARY DEFAMATION OF CHARACTER, with UNNECESSARY SLANDER, with UNNECESSARY SEXUAL HARASSMENT with Ungodly HOMOSEXUAL OVERTONES , and with a UNNECESSARY SEXUAL ASSAULT with Ungodly HOMOSEXUAL OVERTONES** that occurred Unconstitutionally on the Plaintiff's Jobsite of Employment where the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** Unconstitutionally manipulated and Controlled **from DECEMBER 21, 2000 to AUGUST 07, 2001 to the Wrongful Termination of the Plaintiff's Job of Employment on SEPTEMBER 27, 2002** where the

Plaintiff's complaint was **RECORDED and FILED** in Federal Court **on August 08, 2002** where the Plaintiff filed this Case (1:02-CV-2197) within the legal filing limits of the E.E.O.C. 300 days Statue **that Constitutionally existed from OCTOBER 22, 2001 to AUGUST 18, 2002** and was filed within the legal filing limits of the E.E.O.C. 90 days Statue **that Constitutionally existed from MAY 15, 2002 to AUGUST 13, 2002** where the Plaintiff's E.E.O.C. Federally Filed Lawsuit Case (1:02-CV-2197) was Constitutionally filed in the Atlanta Federal Courthouse **on AUGUST 08, 2002 by the Plaintiff himself within full and complete Compliance of the Federal Laws of the E.E.O.C.** where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** Received (28 U.S.C. &2403(a)(b)).

(FACT #8.)

On SEPTEMBER 09, 2002, the Plaintiff hired the Attorney Charles D. Best as to assisting him under an exclusive **FIDUCIARY CONTRACTUAL AGREEMENT** as the Plaintiff's Attorney where the Attorney Charles D. Best was instructed by the Plaintiff as to serving the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** where **this hiring of an Attorney** was within full and complete Compliance of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

(FACT #9,)

On SEPTEMBER 27, 2002, the Attorney Charles D. Best served the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** as instructed by the Plaintiff with the Plaintiff's E.E.O.C. August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) where **this Serving of the Defendants on SEPTEMBER 27, 2002** was within full and complete Compliance of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

(FACT #10,)

On SEPTEMBER 27, 2002, the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** Illegally, Unlawfully, and Unconstitutionally **Obstructed Federal Justice** by Unconstitutionally Retaliating against the Plaintiff's E.E.O.C. August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) by Unconstitutionally terminating the Plaintiff's Job of Employment just because the Plaintiff exercised his Constitutional Rights by filing his E.E.O.C. Lawsuit Case (1:02-CV-2197) in Federal Court **on AUGUST 08, 2002**, and then had the Defendants at the State of Georgia National Guard Headquarter under **DAVID POYTHRESS COMMAND** served with that very same Lawsuit (1:02-CV-2197) **on SEPTEMBER 27, 2002** where the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** have Unconstitutional violated the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII by Unconstitutionally Terminating the Plaintiff's Job of Employment **on SEPTEMBER 27, 2002** where the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**

owe the Plaintiff for **all Salaries and Benefits from SEPTEMBER 27, 2002 to the very PRESENT** because this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of **the FEDERAL COURT on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** Received where the Plaintiff is Officially and Constitutionally Charging the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** for **FRAUD** and for violating **the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. AND THE UNITED STATES CONSTITUTION under Titles I, V, and VII** with this Unconstitutional and Wrongful Termination **on SEPTEMBER 27, 2002** (28 U.S.C. &2403(a)(b)).

(FACT #11.)

On SEPTEMBER 30, 2002, the Attorney Charles D. Best earned his fee of September 09, 2002 by **Recording and Filing** the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) in the Atlanta Federal Courthouse where **this SEPTEMBER 30, 2002 filing by the Attorney Charles D. Best** was within full and complete Compliance of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

(FACT #12.)

After SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003, the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** and the **NON-FIDUCIARY** Attorney Charles D Best **Obstructed Federal Justice** by Unconstitutionally forming a Prohibited Monetary Undisclosed Dual Agency Relationship under a Unconstitutional Umbrella of **FRAUD and COLLUSION** where the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** Obstructed Federal Justice by Unconstitutionally **PURCHASING** the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) from the **NON-FIDUCIARY** Attorney Charles D. Best where the **NON-FIDUCIARY** Attorney Charles D. Best Unconstitutionally **BREACHED** all of his **FIDUCIARY RESPONSIBILITIES** to his Client (the Plaintiff) **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** where the **NON-FIDUCIARY** Attorney Charles D. Best had **absolutely no FIDUCIARY AUTHORITY** whatsoever after this **BREACH** where the **NON-FIDUCIARY** Attorney Charles D. Best was Officially and Constitutionally **NOT** the Plaintiff's Attorney after this **BREACH** where the Plaintiff has charged the Defendants under **DAVID POYTHRESS COMMAND** and the **NON-FIDUCIARY** Attorney Charles D Best for **FRAUD and COLLUSION** in direct violation of **the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under Titles I, V, and VII** because this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court

on AUGUST 08, 2002 where the Plaintiff is Constitutionally entitled as a United States Citizen to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT that the Plaintiff has NEVER received (28 U.S.C. &2403(a)(b)).

(FACT #13.)

After SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003, Judge ROBERT L. VINING, JR. Unconstitutionally Obstructed Federal Justice himself on the behalf of the Defendants at the State of Georgia National Guard Headquarters under DAVID POYTHRESS COMMAND under a Unconstitutional Umbrella of FRAUD and COLLUSION when Judge ROBERT L. VINING, JR. Unconstitutionally made the Plaintiff's SEPTEMBER 27, 2002 United States Federal Courthouse Serving Papers (1:02-CV-2197) just Mysteriously and Unconstitutionally just DISAPPEARED from any and all Courthouse RECORDS and FILES in the Atlanta Federal Courthouse after those SEPTEMBER 27, 2002 United States Federal Courthouse Serving Papers (1:02-CV-2197) had been already RECORDED and FILED in the Atlanta Federal Courthouse by the Attorney Charles D. Best on SEPTEMBER 30, 2002 where the Plaintiff has Charged Judge ROBERT L. VINING, JR. for FRAUD and COLLUSION and for violating the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. AND THE UNITED STATES CONSTITUTION under Titles I, V, and VII because this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under FEDERAL PROTECTION immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court on AUGUST 08, 2002 where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law to DUE PROCESS OF THE LAW and EQUAL PROTECTION

OF THE LAW under the 14th AMENDMENT that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

(FACT #14.)

On JANUARY 13, 2003, the Magistrate Judge **GERRILLYN BRILL** Unconstitutionally **Obstructed Federal Justices** herself on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND,** Judge **ROBERT L. VINING, JR.**, and the **NON-FIDUCIARY** Attorney Charles D. Best under a Unconstitutional Umbrella of **FRAUD and COLLUSION** when the Magistrate Judge **GERRILYN BRILL** Unconstitutionally **RECORDED and FILED a BOGUS JANUARY 13, 2003 SHOW CAUSE ORDER** that was filed **NOT IN GOOD FAITH** after Judge **ROBERT L. VINING, JR.** Unconstitutionally made the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) just **Mysteriously and Unconstitutionally** just **DISAPPEARED** from any and all Courthouse Records and Files in the Atlanta Federal Courthouse after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had been already **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best where the Plaintiff has Charged the Magistrate Judge **GERRILYN BRILL** for **FRAUD and COLLUSION** and for violating **the FEDERAL RETALIATION and DISCRMINATION LAWS OF THE E.E.O.C.AND THE UNITED STATES CONSTITUTION under Titles I, V, and VII** because this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Federal Court **on AUGUST 08, 2002** where the Plaintiff is entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW**

and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT that the Plaintiff has NEVER received (28 U.S.C. &2403(a)(b)).

(FACT #15.)

On FEBRUARY 12, 2003, Judge ROBERT L. VINING, JR. and the NON-FIDUCIARY Attorney Charles D. Best both Obstructed Federal Justice under the Unconstitutional Umbrella of FRAUD and COLLUSION when Judge ROBERT L. VINING, JR. Unconstitutionally permitted and allowed the NON-FIDUCIARY Attorney Charles D. Best as to Unconstitutionally Signing and Filing a FRAUDULENT NON-FIDUCIARY FEBRUARY 12, 2003 DISMISSAL DOCUMENT in the Atlanta Federal Courthouse on the behalf of the Defendants at the State of Georgia National Guard Headquarters under DAVID POYTHRESS COMMAND without the Plaintiff's Knowledge or without the Plaintiff's Signature of Approval or Consent where the NON-FIDUCIARY Attorney Charles D. Best had already Unconstitutionally BREACHED all of his FIDUCIARY RESPONSIBILITIES to his Client (the Plaintiff) after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003 where the NON-FIDUCIARY Attorney Charles D. Best did not have any FIDUCIARY AUTHORITY to act on the Plaintiff behalf on February 12, 2003 whatsoever because in accordance with the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and THE FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and THE UNITED STATES CONSTITUTION under Titles I, V, and VII that the Unconstitutional FRAUDULENT NON-FIDUCIARY FEBRUARY 12, 2003 DISMISSAL DOCUMENT that was Unconstitutionally Signed and Filed by the NON-FIDUCIARY Attorney Charles D. Best is NULL and VOID where the NON-FIDUCIARY Attorney Charles D. Best did not signed and filed this Document in GOOD

FAITH on February 12, 2003 where this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received which means that the Plaintiff's E.E.O.C. August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) is still **an ACTIVE, VALID, and ENFORCEABLE Lawsuit Case (1:02-CV-2197)** that was **NEVER** Officially or Constitutionally **DISMISSED** from the United States District Court **on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best where the Plaintiff has Charged Judge **ROBERT L. VINING, JR.** and the **NON-FIDUCIARY** Attorney Charles D. Best for **FRAUD and COLLUSION** and for violating **the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and THE FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. AND THE UNITED STATES CONSTITUTION under Titles I, V, and VII** (28 U.S.C. &2403(a)(b)).

(FACT #16.)

On NOVEMBER 21, 2005, the GEORGIA STATE SUPREME COURT and THE STATE BAR OF GEORGIA both ruled in favor of the Plaintiff in the matter of Charles D. Best where they concluded that the **NON-FIDUCIARY** Attorney Charles D. Best had Unconstitutionally violated all of his **FIDUCIARY RESPONSIBILITIES** to his Client (the Plaintiff) **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** where **the GEORGIA STATE SUPREME COURT and the STATE BAR OF GEORGIA DISBARRED** the **NON-FIDUCIARY** Attorney Charles D. Best **on**

NOVEMBER 21, 2005 where the NON-FIDUCIARY Attorney Charles D. Best did not and would not reveal to the STATE BAR OF GEORGIA INVESTIGARORS as to the whereabouts of the Plaintiff's Case File that should have been in his possession in his office where the Plaintiff has Charged the Defendants at the State of Georgia National Guard Headquarters under DAVID POYTHRESS COMMAND and the NON-FIDUCIARY Attorney Charles D. Best for FRAUD and COLLUSION and for violating the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and THE FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under Titles I, V, and VII because this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under FEDERAL PROTECTION immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court on AUGUST 08, 2002 where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT that the Plaintiff has NEVER received (28 U.S.C. &2403(a)(b)).

(FACT #18.)

On DECEMBER 21, 2005, the STATE BAR OF GEORGIA wrote to the Plaintiff to inform the Plaintiff of their decision in the matter of Charles D. Best where the STATE BAR OF GEORGIA confirmed that the NON-FIDUCIARY Attorney Charles D. Best had been DISBARRED as of NOVEMBER 21, 2005 by the GEORGIA STATE SUPREME COURT where this action taken against the NON-FIDUCIARY Attorney Charles D. Best reconfirmed that the NON-FIDUCIARY Attorney Charles D. Best was not the Plaintiff's Attorney on FEBRUARY 12, 2003 where the STATE BAR OF GEORGIA has reconfirmed that the Plaintiff's E.E.O.C.

AUGUST 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was **NEVER Officially or Constitutionally DISMISSED** by the **NON-FIDUCIARY Attorney Charles D. Best on FEBRUARY 12, 2003** that was not filed by the **NON-FIDUCIARY** Attorney Charles D. Best in **GOOD FAITH** where this Case (1:02-CV-2197) should be Reinstated immediately in the United States District Court with **an immediate charge in VENUE** to the Middle District of Georgia within the Muscogee County Area under **a Fair and Impartial Judge and Trial** (28 U.S.C. &2403(a)(b)).

(FACT #19.)

On JULY 18, 2007, the Plaintiff received the First Order in the mail that was delivered by the U.S. Postal Service from Judge **ROBERT L. VINING, JR.** where the Plaintiff immediately filed for **a NOTICE OF APPEAL on JULY 27, 2007** that was within the legal filing limits of **the 30 days NOTIFICATION PERIOD that existed from JULY 18, 2007 to AUGUST 17, 2007** (28 U.S.C. &2403(a)(b)).

(FACT #20.)

On JULY 27, 2007, the Plaintiff filed for an Notice of Appeal to the 11th Circuit Court of Appeals that was filed within the legal filing limits of the 30 days filing Notification Period **on JULY 27, 2007 that existed from JULY 18, 2007 to AUGUST 17, 2007**, and this was the First Order that the Plaintiff has ever received from Judge **ROBERT L. VINING, JR.** concerning this Case (1:02-CV-2197) that was delivered to the Plaintiff's Address by the U.S. Postal Service (28 U.S.C. &2403(a)(b)).

(FACT #21.)

On MAY 07, 2008, the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally Abused their Authority and their Powers by Unconstitutionally filing **a BOGUS NULL or VOIDED APRIL 24, 2007 Order** that the U.S. Postal Service declared as being Undeliverable **on MAY 03, 2007** in accordance **with text #9 the DOCKET SHEET** where Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally filed to the Federal Court **a BOGUS NULL or VOIDED MAY 09, 2007 Order** that the U.S. Postal Service declared as being Undeliverable **on JUNE 15, 2007** in accordance **with text #17 the DOCKET SHEET** where **a 30 days NOTIFICATION** was **NEVER** established at the Plaintiff's Address with **the BOGUS NULL or VOIDED APRIL 24, 2007 Order or with BOGUS the NULL or VOIDED MAY 09, 2007 Order** where it is absolutely Clear that the **MAY 07, 2008 Decision** that was made by the 11th Circuit Court of Appeals under **BLACK, MARCUS, and WILSON** that Unconstitutionally **DISMISSED** the Plaintiff's Appeal Court Case (07-13610) was not filed in Good Faith **as means of COVERING-UP, CONCEALING, and OBSTRICTING FEDERAL JUSTICE** in this Case (1:02-CV-2197) on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, the Magistrate Judge **GERRILYN BRILL**, and the **NON-FIDUCIARY** Attorney Charles D. Best where Circuit Judges **BLACK, MARCUS, and WILSON** know for a fact that the Plaintiff's E.E.O.C. **AUGUST 08, 2002** Federally Filed Lawsuit Case (1:02-CV-2197) **was NEVER Officially or Constitutionally DISMISSED on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best under the Unconstitutional Umbrella of **FRAUD and COLLUSION** where Circuit Judges **BLACK, MARCUS, and WILSON** know for a

fact that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came under **FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of Federal Court where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received (28 U.S.C. &2403(a)(b)).

(FACT #22.)

On JUNE 18, 2008, the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally **BLOCKED, DENIED, and DEPRIVED** the Plaintiff of his Constitutional Rights **as to having a JURY TRIAL under the 7th and 14th AMENDMENT** by Unconstitutional **DENYING** the Plaintiff any **RECONSIDERATION** in this Case (07-13610 and 1:02-CV-2197) (28 U.S.C. &2403(a)(b)).

REASONS FOR GRANTING THIS PETITION

I. **Because the Constitutional Urgency of the Moment** is how **on SEPTEMBER 27, 2002** that the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** could Unconstitutionally Obstruct Federal Justice by Unconstitutionally violating **the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under Titles I, V, and VII** by Unconstitutionally terminating the Plaintiff's Job of Employment when the Plaintiff filed his E.E.O.C. Lawsuit Case (1:02-CV-2197) in Federal Court **on AUGUST 08, 2002** and then had the Defendants served with that very same Lawsuit **on SEPTEMBER 27, 2002** which was the

very same day that the Plaintiff was wrongful and Unconstitutional Termination from his Job of Employment with the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND on SEPTEMBER 27, 2002** while this Case and the Plaintiff's Job of Employment were both Officially and Constitutionally under **FEDERAL PROTECTION on and after AUGUST 08, 2002** where this is a total disregard to all Federal E.E.O.C. Laws and the United States Constitution under Titles I, V, and VII by the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, and is it also true that the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** actually owe the Plaintiff all **SALARIES and BENEFITS from SEPTEMBER 27, 2002 to the very PRESENT** because the Defendants at the State of Georgia National Headquarters under **DAVID POYTHRESS COMMAND** broken and violated the Federal E.E.O.C. Laws **on SEPTEMBER 27, 2002** (28 U.S.C. &2403(a)(b)).

II. Because the Constitutional Urgency of the Moment is how **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** that the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** and the **NON-FIDUCIARY** Attorney Charles D. Best could Unconstitutionally Obstruct Federal Justice by Unconstitutionally violating **the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE UNITED STATES CONSTITUTION under Titles I, V, and VII** by Unconstitutionally forming a Prohibited Monetary Undisclosed Dual Agency Relationship where the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** have the financial resources

as to **PURCHASING** the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) from the **NON-FIDUCIARY** Attorney Charles D. Best after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1.02-CV-2197) had been already **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best while this Case (1:02-CV-2197) and the Plaintiff's Job of Employment were both Officially and Constitutionally **under FEDERAL PROTECTION on and after AUGUST 08, 2002** where this is a total disregard to all of the Federal E.E.O.C. Laws and the United States Constitution under Titles I, V, and VII by the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** and the **NON-FIDUCIARY** Attorney Charles D. Best (28 U.S.C. &2403(a)(b)).

III. **Because the Constitutional Urgency of the Moment** is how **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** that Judge **ROBERT L. VINING, JR.** could Unconstitutionally Obstruct Federal Justice on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** by Unconstitutionally violating **the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under Titles I, V, and VII** by Unconstitutionally making the Plaintiff's **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) just **Mysteriously and Unconstitutionally** just **DISAPPEARED** from any and all Courthouse records and files in the Atlanta Federal Courthouse after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had been already **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best while this Case (1:02-CV-2197)

and the Plaintiff's Job of Employment were both Officially and Constitutionally **under FEDERAL PROTECTION on and after AUGUST 08, 2002** where this is a total disregard of all of the Federal E.E.O.C. Laws and the United States Constitution under Titles I, V, and VII by Judge **ROBERT L. VINING, JR.** (28 U.S.C. &2403(a)(b)).

IV. **Because the Constitutional Urgency of the Moment** is how **on JANUARY 13, 2003** that the Magistrate Judge **GERRILYN BRILL** could Unconstitutionally Obstruct Federal Justice on the behalf Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, and the **NON-FIDUCIARY** Attorney Charles D. Best by Unconstitutionally violating **the FEDERAL RETALIATION and DISCRIMINARION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under Titles I, V, and VII** by Unconstitutionally issuing the Plaintiff **a BOGUS JANUARY 13, 2003 SHOW CAUSE ORDER** after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) just **Mysteriously and Unconstitutionally** just **DISAPPEARED** from any and all Courthouse Records and Files in the Atlanta Federal Courthouse after those **SEPTEMBER 27, 2002** United States Federal Courthouse Serving Papers (1:02-CV-2197) had been already **RECORDED and FILED** in the Atlanta Federal Courthouse **on SEPTEMBER 30, 2002** by the Attorney Charles D. Best while this Case (1:02-CV-2197) and the Plaintiff's Job of Employment were both Officially and Constitutionally **under FEDERAL PROTECTION on and after AUGUST 08, 2002** where this is a total disregard to the Federal E.E.O.C. Laws and the United States Constitution under Titles I, V, and VII by the Magistrate Judge **GERRILYN BRILL** as to deliberately, intentionally, and Unconstitutionally **CONCEALING and**

COVERING-UP all of the Criminal Conduct and Activities of Obstructing Federal Justice that was Unconstitutionally committed by the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, and the **NON-FIDUCIARY** Attorney Charles D. Best **from SEPTEMBER 27, 2002 to JANUARY 13, 2003 and then thereafter to the PRESENT** (28 U.S.C. &2403(a)(b)).

V. **Because the Constitutional Urgency of the Moment** is how **on FEBRUARY 12, 2003** that Judge **ROBERT L. VINING, JR.** and the **NON-FIDUCIARY** Attorney Charles D. Best could Unconstitutionally Obstruct Federal Justice on the Behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** by Unconstitutionally violating **the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATE CONSTITUTION under Titles I, V, and VII** by Unconstitutionally permitting and allowing the **NON-FIDUCIARY** Attorney Charles D. Best as to Unconstitutionally Signing and Filing **a FRAUDULENT NON-FIDUCIARY FEBRUARY 12, 2003 DISMISSAL DOCUMENT** on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND** without the Plaintiff's Knowledge and without the Plaintiff's Signature of Approval and Consent because the **NON-FIDUCIARY** Attorney Charles D. Best did not have any **FIDUCIARY AUTHORITY** as to signing or filing anything on the Plaintiff's behalf after **BREACHING** all of his **FIDUCIARY RESPONSIBILITIES** to his Client (the Plaintiff) **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** where in accordance with **the GEORGIA STATE LAW OF UNDISCLOSED DUAL**

AGENCY and the FEDERAL RETALIATION AND DISCRIMINATION LAWS OF THE E.E.O.C and the UNITED STATES CONSTITUTION under Titles I, V, and VII that the Plaintiff's E.E.O.C. August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was **NEVER** Officially or Constitutionally **DISMISSED** on **FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best which means that this Case (1:02-CV-2197) was still **an ACTIVE, VALID, and ENFORCEABLE** Lawsuit Case (1:02-CV-2197) that was **NEVER DISMISSED on FEBRUARY 12, 2003** while this Case (1:02-CV-2197) and the Plaintiff's Job of Employment were both Officially and Constitutionally **under FEDERAL PROTECTION on and after AUGUST 08, 2002** where this is a total disregard of the Federal Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII by Judge **ROBERT L. VINING, JR.**, the **NON-FIDUCIARY** Attorney Charles D. Best, and the Defendants at the State of Georgia National Guard Headquarters under Titles I, V, and VII (28 U.S.C. &2403(a)(b)).

VI. **Because the Constitutional Urgency of the Moment** is how **on MAY 07, 2008** that the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** could Unconstitutionally Obstruct Federal Justice on the behalf of the Defendants at the State of Georgia National Guard Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, the Magistrate Judge **GERRILYN BRILL**, and the **NON-FIDUCIARY** Attorney Charles D. Best by Unconstitutionally violating **the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under Titles I, V, and VII** by Unconstitutionally **DISMISSING** the Plaintiff's Appeal Court Case (07-13610) by Unconstitutionally filing **a BOGUS NULL or VOIDED APRIL 24, 2007 ORDER**

that was declared Undeliverable to the Plaintiff's Address by the U.S. Postal Service **on MAY 03, 2007 in accordance with text #9 of the DOCKET SHEET** and by Unconstitutionally filing **a BOGUS NULL or VOIDED MAY 09, 2007 ORDER** that was declared Undeliverable by the U.S. Postal Service **on JUNE 15, 2007 in accordance with text #17 of the DOCKET SHEET** where **a 30 days NOTIFICAION PERIOD** was **NEVER** established to the Plaintiff's Address by the U.S. Postal Service **with the BOGUS NULL or VOIDED APRIL 24, 2007 ORDER or with the BOGUS NULL or VOID MAY 09, 2007 ORDER** where Circuit Judges **BLACK, MARCUS, and WILSON** knew for a fact that this Case (1:02-CV-2197) was **NEVER** Officially or Constitutionally **DISMISSED on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best while this Case (1:02-CV-2197) and the Plaintiff's Job of Employment were both Officially and Constitutionally under **FEDERAL PROTECTION on and after AUGUST 08, 2002** where this is a total disregard to the Federal E.E.O.C. Laws and the United States Constitution under Titles I, V, and VII by the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** as to deliberately, intentionally, and Unconstitutionally **CONCEALING and COVERING-UP** all of the Criminal Conduct and Activities of Obstructing Federal Justice that were Unconstitutionally committed by the Defendants at the State of Georgia National Guard Headquarter under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, the Magistrate Judge **GERRILYN BRILL**, and the **NON-FIDUCIARY** Attorney Charles D. Best **from SEPTEMBER 27, 2002 to FEBRUARY 12, 2003 to the PRESENT** (28 U.S.C. &2403(a)(b))

CONCLUSION

The 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** know for a fact that **since SEPTEMBER 27, 2002 throughout FEBRUARY 12, 2003 to the PRESENT** that the Defendants at the State of Georgia National Headquarters under **DAVID POYTHRESS COMMAND**, Judge **ROBERT L. VINING, JR.**, the Magistrate Judge **GERRILYN BRILL**, and the **NON-FIDUCIARY** Attorney Charles D. Best were all directly or indirectly involved with violating **the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII while violating the Plaintiff's 14th AMENDMENT RIGHTS by Blocking Denying, and Depriving the Plaintiff his Constitutional Rights as to having a JURY TRIAL** (28 U.S.C. &2403(a)(b)).

Circuit Judges **BLACK, MARCUS, and WILSON** knew for a fact that the Plaintiff's E.E.O.C. August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was **NEVER** Officially or Constitutionally **DISMISSED on FEBRUARY 12, 2003** by the **NON-FIDUCIARY** Attorney Charles D. Best because the **NON-FIDUCIARY** Attorney Charles D. Best had Unconstitutionally **BREACHED** his **FIDUCIARY RESPONSIBILITIES** to the his Client (the Plaintiff) **after SEPTEMBER 30, 2002 or On or before JANUARY 13, 2003** where thereafter the **NON-FIDUCIARY** Attorney Charles D. Best Unconstitutionally Signed and Filed **a FRAUDULENT NON-FIDUCIARY FEBRUARY 12, 2003 DISMISSAL DOCUMENT** without the Plaintiff's Knowledge and **without the Plaintiff's Signature of Approval or Consent on FEBRUARY 12, 2003** (28 U.S.C. &2403(a)(b)).

On JULY 18, 2007, the Plaintiff received the First Order in the mail that was delivered by the U S Postal Service from Judge **ROBERT L. VINING, JR.** where the Plaintiff immediately filed for **a NOTICE OF APPEAL on JULY 27, 2002** that was within the legal filing limits of **the 30 days NOTIFICATION PERIOD** that existed **from JULY 18, 2007 to AUGUST 17, 2007** where this Case (1:02-CV-2197) is within its Constitutional boundaries by filing **a NOTICE OF APPEAL** to the 11th Circuit Court of Appeals and to the Supreme Court of the United States (28 U.S.C. &2403(a)(b)).

This Case (1:02-CV-2197) and the Plaintiff's Job of Employment both came **under FEDERAL PROTECTION** immediately after the Plaintiff paid his filing fee to the Clerk of the Federal Court **on AUGUST 08, 2002** where the Plaintiff is Constitutionally entitled as a United States Citizen by Constitutional Law **to DUE PROCESS OF THE LAW and EQUAL PROTECTION OF THE LAW under the 14th AMENDMENT** that the Plaintiff has **NEVER** received as a United States Citizen where the Plaintiff is requesting for **FAIRNESS and IMPARTIALITY** from the Federal Court in this Case (1:02-CV-2197) where the Plaintiff is requesting that this Case (1:02-CV-2197) and the Plaintiff's Job of Employment to be sent back to the United States District Court for Trial with an immediate Change in **VENUE** to **the MIDDLE DISTRICT OF GEORGIA** under a Fair and Impartial Judge and Jury within the Muscogee County Area (28 U.S.C. &2403(a)(b)).

The Plaintiff has **EVIDENTIAL SUPPORT** that will confirm all of the facts in this Case (1:02-CV-2197) including the fact that the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** deliberately and intentionally filed **a BOGUS NULL or VOIDED APRIL 24, 2007 Order and a BOGUS NULL or VOIDED MAY 09, 2007 Order** in Federal Court not in

GOOD FAITH because both of these **BOGUS NULL and VOIDED ORDERS** were declared Undeliverable to the Plaintiff's Address by the U.S. Postal Service (28 U.S.C. &2403(a)(b)).

The Supreme Court of the United States should Grant the Petitioner or the Plaintiff of this Case (1:02-CV-2197) this Petition **for a WRIT OF CERTIORARI** to Reverse **the Unconstitutionally MAY 07, 2008 Decision** that was Unconstitutionally Rendered by the 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** where the Plaintiff is requesting **a JURY TRIAL under his 7th and 14th AMENDMENTS RIGHTS** with **an immediate change in VENUE** to **the MIDDLE DISTRICT OF GEORGIA** under a Fair and Impartial **Federal Judge and Jury** within the Muscogee County Area in the name of **JUSTICE** because **JUSTICE so REQUIRES** (28 U.S.C. &2403(a)(b)).

Respectfully Submitted,
/s/ Sgt. Emmett L. Williams
Pro-Se Litigant
1284 Bedford Avenue
Columbus, Georgia 31903

APPENDIX A – THE UNITED STATE COURT OF APPEALS UNDER CIRCUIT JUDGES BLACK, MARCUS, AND WILSON UNCONSTITUTIONALLY DISMISSED THE PLAINTIFF'S APPEAL COURT CASE (07-13610) WHEN THEY KNEW THAT THE BOGUS NULL OR VOID APRIL 24, 2007 ORDER AND THE BOGUS NULL OR VOID MAY 09, 2007 ORDER WERE BOTH UNDELIVERABLE AND WERE NEVER DELIVERED TO THE PLAINTIFF'S ADDRESS WITH A 30 DAYS NOTIFICATION:

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
MAY 07, 2008
THOMAS K. KAHN
CLERK

No. 07-13610-EE

SGT. EMMETT L. WILLIAMS,

Plaintiff-Appellant,

versus

THE STATE OF GEORGIA DEPARTMENT OF DEFENSE NATIONAL GUARD HEADQUARTERS, CPT RAYMOND FAUNT, individually and in his official and full capacity as the state DOD military support security manager and the plaintiff's immediate supervisor over a civilian departmental section of the state of Georgia DOD facility police, SANDER BRUCE, individually and in her official and full capacity as the state DOD personnel office which she is the personnel manager,

Defendants-Appellees

Appeal from the United States District Court
For the Northern District of Georgia

Before BLACK, MARCUS, and WILSON, Circuit Judges.

PER CURIAM:

Emmett L. Williams appeals pro-se the direct court's order denying his motion to reinstate his claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. &2000e-2(a), and 42 U.S.C. & 1981. Williams asserts the district court erred in allowing his attorney to voluntarily withdraw the lawsuit under Federal Rule of Civil Procedure 41 (a)(1) without his consent.

Although we give leeway to pro se Litigants on substantive matters, pro se litigants are still required to conform to the procedural rules. *See Vanderberg v. Donaldson*, 259 F.3d 1321, 1325-26 (11th Cir. 2001) (noting pro se litigants must still act in a timely fashion); *see also Brook v. Britton*, 669 F.2d 665, 667 (11th Cir. 1982) (holding pro se litigants are required to timely move for an extension of time in order to file a late notice of appeal).

We have an obligation to review *sua sponte* whether we have jurisdiction. *In re Walker*, 515 F.3d 1204, 1204, 1210 (11th Cir. 2008). "We review jurisdictional issues denovo." Id

Notice of Appeal in a civil case must be filed within 30 days from the entry of judgment Fed R App. P 4(a)(1). The time limit is "mandatory and jurisdictional" *Wright v. Preferred Research, Inc.* 891 F 2d 886, 888 (11th Cir. 1990). When a party files a motion for post-judgment relief enumerated in Rule 4(a)(4)(A), the appeal period is tolled until the resolution of the motion Id. However, this exception applies to a Federal Rule of Civil Procedure 60(b) motion only if it is filed "no later than 10 days after the Judgment is entered." Fed. R. App. P. 4(a)(4)(A)(vi) Where the movant pleads substantially the same grounds in a second motion to reconsider as he did in his original pleading, the motion does not toll the time for Appeal *Wright*, 891 F. 2d. at 889.

The district court did not expressly construe any of Williams' motions for relief as a motion under Federal Rules Civil Procedures 59(e) or 60(b). However, if a motion to altar or amend a judgment under Rule 59(e) is filed more then ten days after an entry of judgment, it automatically become a Rule 60(b) motion. See Mahone v Ray, 326 F.3d 1176, 1178 n 1 (11th Cir 2003) Thus, because the initial motion was filed more then ten days after Williams voluntarily dismissed the action, his motion is cognizable only as a motion for relief from judgment

pursuant to Rule 60(b). See Id. **Once the district court denied the motion on April 24, 2007, the time for filing an appeal began to run**. See Fed. R. App. P. 4(a)(1).

Williams' second motion was filed within ten days of the district court's order denying the initial motion. Regardless of whether that pleading is construed as a motion for reconsideration under Rule 59(e) or Rule 60(b), it tolled the period for filing an appeal from the district court's order denying his initial Rule 60(b) motion. See Fed. R. App. P. 4(a)(4)(A)(iv). However, Williams' subsequent motions did not thereafter postpone the time for appeal because they pled "substantially the same grounds" as his second motion. See Wright, 891 F. 2d. at 889. Therefore, the 30-days period for filing his notice of appeal began after the district court denied his second motion on May 09, 2007. **Because Williams filed his notice of appeal on July 27, 2007**, well after the 30 days period expired on June 08, 2007, this Court is without Jurisdiction to consider the merits of his claim and the appeal should be dismissed. See Ellis v. Richardson, 471 F.2d. 720, 721 (5th Cir. 1973) (subsequent motion for reconsideration, based on substantially same grounds as first motion, do not toll period for appeal).

DISMISSED.

APPENDIX B – THE UNITED STATE COURT OF APPEALS UNDER CIRCUIT JUDGES BLACK, MARCUS, AND WILSON UNCONSTITUTIONALLY DENIED THE PLAINTIFF'S MOTION FOR RECONSIDERATION (07-13610) WHEN THEY KNEW THAT THE BOGUS NULL OR VOID APRIL 24, 2007 ORDER AND THE BOGUS NULL OR VOID MAY 09, 2007 ORDER WERE BOTH UNDELIVERABLE AND WERE NEVER DELIVERED TO THE PLAINTIFF'S ADDRESS WITH A 30 DAYS NOTIFICATION:

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
JUNE 18, 2008
THOMAS K. KAHN
CLERK

No. 07-13610-EE

SGT. EMMETT L. WILLIAMS,

Plaintiff-Appellant,

versus

THE STATE OF GEORGIA DEPARTMENT OF DEFENSE NATIONAL GUARD HEADQUARTERS, CPT. RAYMOND FAUNT, individually and in his official and full capacity as the state DOD military support security manager and the plaintiff's immediate supervisor over a civilian departmental section of the state of Georgia DOD facility police, SANDER BRUCE, individually and in her official and full capacity as the state DOD personnel office which she is the personnel manager,

Defendants-Appellees.

Appeal from the United States District Court
For the Northern District of Georgia

Before BLACK, MARCUS, and WILSON, Circuit Judges.

BY THE COURT:

Appellant's Motion for Reconsideration of this Court's May 07, 2008, Order is **denied**.

APPENDIX EXHIBITS

FROM: (Appendix C thru K)
SEPARATE DOCUMENTED FACTS AND EVIDENCES APPENDICES

APPENDEX C- THIS IS THE FIRST ORDER THAT WAS DELIVERED TO THE PLAINIFF'S ADDRESS BY THE U.S. POSTAL SERVICE FROM JUDGE ROBERT L. VINING, JR. THAT IS DATED JULY 18, 2007 WHERE THE PLAINTIFF THEN IMMEDIATELY FILED FOR A NOTICE OF APPEAL ON JULY 27, 2007 THAT WAS WITHIN THE 30 DAYS NOTIFICATION STATUE:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SGT. EMMETT L. WILLIAMS,
Plaintiff, CIVIL ACTION

NO. 1:02-CV-2197 – RLV

STATE OF GEORGIA, et al.,
Defendants.

ORDER

The plaintiff voluntarily dismissed this action without prejudice on February 12, 2003. The plaintiff has filed several documents in which he has sought reinstatement of this action, and the court has denied or dismissed each of those requests. Treating the plaintiff's letter dated june 21, 2007, as another motion to reinstate (Doc. No. 18), the court DENIES that motion.

SO ORDERED, this **18th** day of July, 2007.

/s/ Robert L. Vining, Jr
ROBERT L. VINING, JR.
Senior United States District Judge

APPENDIX D – THIS IS THE DOCKET SHEET FOR CASE NUMBER 1:02-CV-2197 THAT PROVE THAT THE 11TH CIRCUIT COURT OF APPEALS UNDER CIRCUIT JUDGES BLACK, MARCUS, AND WILSON UNCONSTITUTIONALLY FILED A BOGUS NULL OR VOID APRIL 24, 2007 ORDER AND A BOGUS NULL OR VOID MAY 09, 2007 ORDER WHERE BOTH OF THESE ORDERS WERE DECLARED UNDELIVERABLE TO THE PLAINTIFF'S ADDRESS BY THE U.S. POSTAL SERVICE

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:02-CV-2197-RLV
Internal Use Only

Williams v. State of GA Dept Def, et al
Assigned to: Judge Robert L. Vining, Jr
Demand: $0
Case in other court: USCA-11th Circuit, 07-13610
USCA-11th Circuit, 07-13610
Cause: 42 2000 Job Discrimination (Race)

Date Filed: 08/08/2002
Date Terminated: 02/12/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Sgt. Emmett L. Williams
Represented by Emmett L. Williams
1284 Bedford Avenue
Columbus, GA 31903
(770) 808-0563
PRO-SE

Charles Douglas Best
Office of Charles D. Best
1292 Ralph David Abernathy
Boulevard, S.W.
Atlanta, GA. 30310
770-477-5400
LEAD ATTORNEY
ATTORNEY TO BE NOTIFIED

V.

Defendant

The State of Georgia Department of
Defense National Guard
Headquarters

Defendant

Cpt. Raymond Faunt
Individually and in his official and full
capacity as the State D.O.D. Military
Support Security Manager and the Plaintiff's
Immediate Supervisor over a Civilian
Departmental Section of the State of Georgia
D.O.D. Facility Police

Defendant

Sandra Bruce
Individually and in her official and full
capacity as the State D.O.D.
PERSONNEL OFFICE which she is the
PERSONMEL MANAGER

Date Filed	#	Docket Text
05/03/2007	9	Mail Returned as Undeliverable Mail sent to Emmett L. Williams re 7 Order on Motion for Leave to File(jpa) (Entered 05/03/2007)
06/15/2007	17	Mail Returned as Undelivered Mail sent to Emmett L Williams re 11 Order on Motion to Reopen Case (jpa) (Entered 06/19/2007

The **MAY 07, 2008 Decision** that was Unconstitutionally Filed by 11th Circuit Court of Appeals under Circuit Judges **BLACK, MARCUS, and WILSON** where Circuit Judges **BLACK, MARCUS, and WILSON** Unconstitutionally filed **a BOGUS NULL or VOID APRIL 24, 2007 Order** that was declared Undeliverable to the Plaintiff's Address **on MAY 03, 2007 in accordance with text #9 of the DOCKET SHEET** and **a BOGUS NULL or VOID MAY 09, 2007 Order** that was declared Undeliverable to the Plaintiff's Address **on JUNE 15, 2007 in accordance with text #17 of the DOCKET SHEET** where **a 30 days NOTIFICATION PERIOD** was **NEVER** established with **the BOGUS NULL or VOID APRIL 24, 2007 Order or with the BOGUS NULL or VOID MAY 09, 2007 Order** (28 U S C &2403(a)(b))

The First Order that the Plaintiff received in the mail by the U S. Postal Service to the Plaintiff Address by Judge **ROBERT L. VINING, JR.** was **dated JULY 18, 2007** where the Plaintiff immediately filed for **a NOTICE OF APPEAL on JULY 27, 2007** which was filed within the legal filing limits of **the 30 days NOTIFICATION PERIOD** that existed **from JULY 18, 2007 to AUGUST 17, 2007** which means that **JULY 27, 2007** was filed

within the legal Appeal Jurisdiction of the 11th Circuit Court of Appeals **under BLACK, MARCUS, and WILSON** and the Supreme Court of the United States (28 U.S.C. &2403(a)(b))

Date Filed	#	Docket Text
07/18/2007	19	ORDER denying 18 Motion for to reinstate case. Signed by Judge Robert L. Vining, Jr. on 07/18/07 (jpa) (Entered: 07/19/2007)
07/18/2007		(Court only)m *** Set/Clear Flag (jpa) Entered: 07/19/2007
07/27/2007	20	Letter from Sgt. Emmett L. Williams (cdg) (Entered: 07/30/2007
07/27/2007	23	NOTICE OF APPEAL as to 19 Order on Motion for Miscellaneous Relief by Emmett L. Williams. Transcript Order form due on 8/10/2007. (Attachments: #1 Appeal Fee Letter)(TOF, IFP form and Appeal Fee Letter sent to Plaintiff)(cc: USCA)(pjm)(Entered: 08/02/2007)

APPENDIX E – THIS CASE (1:02-CV-2197) AND THE PLAINTIFF'S JOB OF EMPLOYMENT BOTH CAME UNDER FEDERAL PROTECTION IMEDIATELY AFTER THE PLAINTIFF PAID HIS FILING FEE TO THE CLERK OF THE FEDERAL COURT ON AUGUST 08, 2002, THIS SEPARATION NOTICE ON SEPTEMBER 27, 2002 THAT TERMINATED THE PETITIONER' S EMPLOYMENT FOR FILING HIS LAWSUIT IN FEDERAL COURT ON AUGUST 08, 2002 AND HAVING THE DEFENDANTS SERVED ON SEPTEMBER 27, 2002 WITHIN THE LEGAL FILING LIMITS OF THE E.E.O.C. 300 DAYS AND 90 DAYS STATUES

STATE OF GEORGIA
DEPARTMENT OF LABOR

SEPARATION NOTICE

1. Employee's EMMETT WILLIAMS 2 S S No 256-88-5462 a. State any other name (s) under which employee worked _____

3 Period of Last Employment from Feb. 25, 1987 To Sept. 27, 2002

4. REASON FOR SEPARATION

a LACK OF WORK___

b If for other than lack of work, state fully and clearly the circumstances of the separation _____

_____

Termination – Violation of agency rules.

---

5. Employee received: __Wages in Lieu of Notice __

Separation Pay __ Vacation Pay

In the amount of $_____for period from _____

To _____

6. Did this employee earn at least $2,240.00 in your employ?

Yes__ No__ if NO, how much? $_____

Employer's State of Georgia
Name Department of Defense / Ga. D.O.L.
Account Number **110081-07** C/O R.E. Harrington
Address P.O. Box 724086 / (Number shown on Employer's Quarterly Tax and Wage Report Form DOL-4)

City Atlanta State GA 31139-1086/ I CERIFY that the above worker has been separated from work and the information furnished hereto is true and correct. This report has been handed to or mailed the worker

REH's
Telephone No. 7/379-9560
7/396-9027-Fax /

MARILYN RUSS__
Signature of official. Employee of the Employer or authorized agent for the Employer

NOTICE TO EMPLOYER
At the time of separation, you are required by the Employment Security Law, OCGA Section 34-8-190(c), to provide the employee with this document, properly executed, giving the reasons for separation If you subsequently / receive a request/ for the same information on a DOL-403FF, you may attach a copy of this form (DOL-800) as part of your response.

PERSONNEL TECHNICIAN
Title of Person Signing

/ October 1, 2002
Date Completed and Released to Employee

NOTICE TO EMPLOYEE
OCGA SECTION 34-8-190 (c) OF THE EMPLOYMENT SECURITY LAW REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA DEPARTMENT OF LABOR FIELD SERVICES OFFICE IF YOU FILE A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS

(**The Petitioner Footnotes Comments and Argument**
When the Respondents terminated the Petitioner's Employment from the State of Georgia on September 27, 2002, the Respondents did not know exactly as to what the charge or purpose for termination was going to be at the time of termination on September 27, 2002 because the Petitioner was charged with Unauthorized Leave after this document was completed and turned in to the labor board **where the Respondents created the scenario of unauthorized leave sometime after this document was turned in to the Labor Board** because the charge of unauthorized leave is nowhere on the face charge of this document for termination **(28 U.S.C. &2403(a)).)**

APPENDIX F – THIS IS THE COMPLAINT THAT THE PETITIONER PLACED IN THE MAIL TO THE G.C.E.O. ON OCTOBER 17, 2001 WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT

GCEO No.: ____
EEOC No.: ____
Fields in this box to be completed Only by GCEO officials

Due to a very serious fall and injury, I have placed this document In the mail on 17 October 2001 and requesting that it be filed immediately upon receipt.

Thanks,
E.L.W.

Employment Discrimination Complaint
Georgia Commission on Equal Opportunity

Please type or print legibly. Please note that attachments will not be accepted as a substitute for completion of this form.

1. Complainant Information

Emmett	L.	Williams
First Name	Middle Initial	Last Name

10 Treeview Drive, Unit A
Street Address

Unit A
Apartment, Post Office Box, Route Number, etc.

Lithonia, Georgia 30038	7/808-0563
City, State and ZIP code	Home Telephone Number
4/624-6010	n/a
Work Telephone Number	Cell Telephone Number

2. Respondent Information (Please fill in the contact information for the agency that allegedly discriminated against you.)

The Department of Defense /The DOD Personnel Office
Agency Name

935 East Confederate Avenue
Agency Street Address

Atlanta, Georgia 30316 **4/624-6000 or 6044**
Agency Street Address Agency Phone Number

3. Issues
Please check only those issues that reflect adverse employment action (s) taken against you within the last 180 days. Please include the relevant date(s) upon which you first became aware the action(s) had been taken in the space marked "Date of Action(s)." Please use month/date /year format for all dates.

( ) Discharge ( ) Laid Off ( ) Forced Resignation/ Retirement

Your job title at the time of the action(s): **Senior Officer Facility Police Sergeant DOD**

Date of action(s) _____

( ) Demotion) Involuntary Transfer,
Date of Action(s)_____

Position/Job title from which you were demoted/transferred: _____

Position/ Job title to which you were demoted/transfer: _____

( ) Failure to Hire ( ) Failure to Promote
For Failure to hire and/or failure to promote give date(s) you became aware that you had not been selected for position.

Date of Notification of Non-Selection: _____.

The job title of the position for which you applied: _____.

(X) Discipline Action

Type of action (reprimand, suspension, letter of concern, etc.) Conspiracy to create false charges and documentation that does not comply or conform to any Georgia DOD Regulations Date of action(s) 21 December 2000, 03 May 2001, 16 July 2001, 24 July 2001, and 07 August 2001

( ) Denied Reasonable Accommodation
For reasonable accommodation of religion or disability, give date that you requested reasonable accommodation and most recent date your request was denied.

Date of request for reasonable accommodation_____

Most recent date of denial of request for reasonable accommodation._____

Brief description of reasonable accommodation requested_____

(X) Other action(s) Date of action(s) 11 October 2000, 21 December 2000, 03 May 2001, 24 July 2001, 07 August 2001, and 16 August 2001

Briefly describe action(s) The Georgia State Department of Defense present Administration and Personnel Office are racist and prejudice and directly responsible for creating, manipulating, and controlling a Conspiracy Racial

Discrimination Assault of Homosexual Overtones and Harassments between 21 December 2000 to 07 August 2001 that has continued to this present day that includes Slander and Defamation of Character and creating false documentation against me that does not comply or conform to any of State of Georgia DOD Policies, Procedures, Guidelines, and Regulations while trying to create a scenario of a Ungodly Homosexual Confrontation on the Job with a terminated Subordinate as a direct means of trying to justify terminating my employment as a black supervisor with an outstanding and impeccable service record, and I am requesting an immediate transfer to the Federal E.E.O.C. upon receipt of this document.

4. Bases

For the following section, check only those categories that you believe contributed to the actions taken against you. Specify your basis (i.e. Race: Black, Hispanic, Asian, Color: light, medium, dark: Age: give date of birth month/date/year; Sex: Female, male; Disability; type of physical and/or psychiatric impairment, etc.) for each applicable category, where appropriate.

(XX) Race Black

( ) Religion

( ) Color

( ) Sex Male

( ) Age (40+)

( ) Disability

( ) National Origin

(XX) Unlawful Retaliation that bogus Counseling Statement

VERIFICATION

I swear or affirm that the information provided in this complaint is true and correct to the best of my knowledge, information and brief. I further swear and affirm under penalty of law, that the information contained herein does not constitute a frivolous or unwarranted complaint of unlawful discrimination as described within the Fair Employment Practices Act of 1978 (0 C G A. &45-19-44 (6) and &45-19-45(5)).

/s/ Sgt. Emmett L. Williams . 03 Oct 01 ___
Complainant's Signature Date

To be completed by Notary Public

COUNTY OF DEKALB
STATE OF GEORGIA

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, **Emmett L. Williams,** who, after first being duly sworn, deposes and says that s/he is fully competent to verify and testify as to the matter referred to and inquired about herein and that s/he does hereby verify the foregoing information.

Sworn to and subscribed
Before me this 3rd day of
October , 2001.

/s/ Ursula S. Rogers .
Notary Public
(SEAL) Notary Public, Dekalb County Georgia
My Commission expires September 15, 2005

APPENDIX G – THE PETITIONER'S E.E.O.C. 300 DAYS FILING STATUTORY PERIOD STARTING DATE OF OCTOBER 22, 2001 CONFIRMED BY MR. TODD S. GARRISON DATED OCTOBER 22, 2001

Georgia Commission on Equal Opportunity
INTAKE DISMISSAL FORM

TO:	**FROM:**
Emmett L Williams 10 Treeview Drive, Unit A Lithonia, Georgia 30038	Georgia Commission on Equal Opportunity 710 International Tower– Peachtree Center 229 Peachtree Street, N.E. Atlanta, Georgia 30303 (404) 656-1736

YOUR COMPLAINT IS DISMISSED FOR THE FOLLOWING REASON:

( ) The facts you allege fail to state a claim under any of the statues enforced by Commission.

( ) Your complaint was not timely filed with the Commission, i e., you waited more than 180 days after the alleged date(s) of the discrimination to file Because it was filed outside the time limit prescribed by Georgia law, the Commission cannot investigate your allegation However, your complaint is being forwarded to the U S EEOC who may have jurisdiction over this matter You may contact EEOC at (404) 562-6800.

( ) You failed to provide requested information , failed or refused to appear or to be available for necessary interviews/conferences, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your complaint You have had more than 10 days in which to respond to our final written request.

( ) There has been no response from you regarding your earlier contact with this office. However, if you still wish to file a complaint of discrimination, please contact this office at your earliest possible convenience. Please be advised that Georgia law requires all such complaint to be filed within 180 days from the most recent act of discrimination.

( ) The named employer is not an agency of the State of Georgia, and as such is not subject to any of the statues enforced by the Commission. However, your complaint is being forwarded to the U.S. EEOC who may have jurisdiction over this matter.

( ) Based upon the review of your submitted documents, the Commission is unable to conclude that the information obtained establishes violations of the statues. This does not certify that the Respondents is in compliance with the statues. No finding is made as any other issues that might be construed as having been raised by this inquiry

(X) Other (briefly state) Per Your request, your complaint has been forwarded to the U.S. Equal Employment Opportunity Commission (EEOC). You may contact EEOC at (404) 562- 6800. Please use your EEOC charge number 11BA20017 when referencing your case.

This determination by the Georgia Commission on Equal Opportunity (GCEO) represents the end of the processing of your complaint under the Georgia Fair Employment Practices Act of 1978, as amended (FEPA). If your complaint was dismissed because of your non-response or failure to cooperate, and you still wish to file a complaint of discrimination, please contact this office at your earliest possible convenience. Please be advised that Georgia law requires all such charges to be filed within 180 days from the most recent act of discrimination.

On behalf of the Commission,

/s/ 10 / 22 / 01
Date

/s/ Todd S. Garrison
Todd S. Garrison, Intake Coordinator

APPENDIX H– THIS IS A DISMISSAL AND NOTICE OF RIGHTS RECEIVED IN THE MAIL ON MAY 18, 2002 FROM THE E.E.O.C. TO THE PETITIONER WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT THAT EXISTED FROM OCTOBER 22, 2001 TO AUGUST 18, 2002

U.S. EQUAL EMPLOYMENT OPPORTUNITY

DISMISSAL AND NOTICE OF RIGHTS

To: Emmett L. Williams
10 Treeview Drive, Unit A
Lithonia, GA 30038

From: EEOC, Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, Georgia 30303

On behalf of Person(s) aggrieved whose identity is
( ) CONFIDENTIAL (29 CFR &1601 7(a)

Charge Number	EEOC Representative	Telephone Number
11BA200017	Vera J. Sims, Deferral Coordinator	(404) 562-6860

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

(X) The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC

( ) Your allegation did not involve a disability that is cover by the American with Disabilities Act

( ) The Respondent employs less than the required number of employees or is not otherwise covered by the statues

( ) We cannot investigate your charge because it was not filed within the time limit required by law

( ) Have been given 30 days in which to respond, you failed to provide information, fail to appear or be available for interview/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge

( ) While reasonable efforts were made to locate you, We were not able to do so.

( ) You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.

( ) The EEOC issues the following determination: Based Upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

( ) The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

( ) Other (briefly state)_____.

-NOTICE OF SUIT RIGHTS-
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and /or the Age Discrimination in Employment Act: This will be the only notice dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on charge in federal or state court. Your lawsuit **must be filed <u>WITHIN 90 DAYS</u> from your receipt of this Notice**, otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may be collectible.**

On Behalf of the Commission

/s/ Bernice Williams-Kimbrough May 15, 2002
BERNICE WILLIAMS-KIMBROUGH (Date Mailed)
(Stamped)

Enclosure(s)

cc: State of Georgia Department of Defense
EEOC Form 161 (10/96)

APPENDIX I – THE FIRST TWO AND A HALF (2 1/2) PAGES OF THE OF THE DCS-OPS-MS (190) REGULATED JOB DESCRIPTION DATED 29 JUNE 1995 THAT WAS NEVER AMENDED, CHANGED, DELETED, OR ALTERED THAT AUTHORIZED THE PETITIONER WITH THE AUTHORITY TO SCHEDULE LEAVE FOR HIMSELF AND HIS EMPLOYEES

(JOB DESCRIPTION)

DCS-OPS-MS (190) **29 June 1995**

MEMORANDUM FOR
Sgt E. L. Williams, Facility Police

SUBJECT: Response to New Schedule Inquiry

1. This memorandum is in response to your memorandum concerning a new duty hour schedule. I have reviewed your memorandum and have discussed this situation extensively with you. The following provides you direct guidance for administering the DOD facility police schedule at the Atlanta DOD Reservation. This schedule will be accomplished using scheduled duty shifts not to exceed 12 hours. **The Facility Police Sergeant is responsible** to schedule duty shifts for his employees. **He has total authority to schedule employees to fill the required shifts as specified by the Military Support Office**

DCS-OPS-MS (190)

2. GENERAL.

a. *Hours required for security:* 136 hrs. on a normal week.

1. Total number of permanent employees: 3 (to include 1 Sergeant)
2. Total number of casual employees *available for* Sat. – Man./ :3.

b. Other consideration:

1. Reserve Drill one weekend a month for one permanent employee.
2. Time for the Police Sergeant to supervise and not work all shifts.
3. Time for employees to take leave and have at least two days off a week.
4. Keep overtime to an absolute minimum.

3. FACTS.

a. There are 8 – 8hrs shifts required between Tuesday beginning at 1600 and Saturday at 0800. 64 hours total.
b. There are 72 hours required between 0800 on Saturday and 0800 on Tuesdays. This can be accomplished using 8 or 12 hour shifts. Casual employee use should be maximized.

c. A minimum of 16 hours must be worked by casual employees to prevent overtime. The desire is to allow use of the casual employees on weekends to provide the Sergeant supervisory time and to allow flexibility for permanent employee leave and time off. **Example**. If casual employees work 3-12 hour shifts over the weekend, 20 additional hours are free to divide for supervisory time or leave time. If casual employees work 4-12 hour shifts on the weekend, 32 hours are available to divide for leave time and supervisory time.

4. **OBSERVATION**. During the last two years I have listened to many concerns and problems areas. I have also received various complaints over the way past operations have been conducted. The following observations and comments are provided:

a. The Sergeant is not allowed supervisory time on the clock. (The Sergeant has to pull shifts.)
b. The Sergeant has to wear his own personal pager.
c. The Sergeant is not given authority to conduct his affairs **without** interference from the administration.
d. The Sergeant has to be concerned with keeping the budget balanced

DCS-OPS-MS (190)

e. The old schedule did not work and it was similar to the one proposed by management.
f. The Sergeant receives no "perks" as a supervisor.

5. OBSERVATION RESPONSE.

a. **The Sergeant** is provided guidelines for scheduling security shifts. **He has the authority and responsibility** to ensure that the shifts are adequately covered. **This also includes scheduling leave for himself and employees**. This also provides **authority and options to schedule supervisory time** not to exceed 16 hours per week. This does not preclude that situation such as 4 day holiday weekend will need additional staffing. I cannot reiterate enough that casual employees should be maximized in situations where additional staffing is required. Additional staffing is not, as a rule, an opportunity for permanent employees to gain Compensation time. If casual employees are managed with care, **permanent employees can enjoy scheduled leave time** without other permanent employees having to always work excessive hours or overtime.
b. **The Sergeant** is no longer required to rely on his personal pager for facility police business. A state of the art, statewide pager, was provided to the Sergeant recently. The Sergeant has the opportunity to stay in contact with his subordinates and supervisors at any

given time provided the calls are returned when paged and the pager is turned on. This should alleviate any communication problem that may occur if the Sergeant leaves the local area. As a Supervisor, the Sergeant must telephonically handle pagers on occasion when not on the clock. The Sergeant must also ensure that his subordinates are properly trained to page him and to handle possible emergency situations.

c. **The Sergeant has the authority** to handle situations and should do so to the **Maximum Extent Practical and within the authority granted to him**. The administration has no desire to interfere with the supervisory duties of the Facility Police Sergeant. **The Sergeant**, as has always been the case, **is expected to run the day to day Department Operations**. The administration expects compliance with guidelines and parameters for the Department. It is the **RESPONSIBILITY of the Sergeant** to ensure that administration Policies and Directives are **Implemented and Enforced**

EXHIBIT J – STATE BAR OF GEORGIA LETTER THAT CONFIRMS THAT THE ATTORNEY CHARLES D. BEST IS SHADY AND UNSCRUPULOUS AS UNDISCLOSED DUAL AGENCY DATED DECEMBER 1, 2005

STATE BAR OF GEORGIA

OFFICE OF THE GENERAL COUNSEL

WILLAM P. SMITH, III
GENERAL COUNSEL
Bar Counsel
ROBERT E. McCORMACK
Deputy General Counsel
JOHN J. SHIPTENKO
Assistant General Counsel

Disciplinary Counsel
PAULA J. FREDERICK
Deputy General Counsel
JENNY K. MITTELMAN
JONATHAN HEWETT
Sr. Assistant General Counsel
GENE CHAPMAN
KELLYN O. McGEE
REBECCA A. HALL
Assistant General Counsel
CARMEN ROJAS RAFTER
Grievance Counsel

December 1, 2005

Sgt. Emmett L. Williams
1266 Bedford Avenue
Columbus, Georgia 31903

Re: **In the Matter of Charles Douglas Best**
State Disciplinary Board Docket No. 4914

Dear Sgt. Williams:

On November 21, 2005, the Supreme Court of Georgia entered an Order disbarring Charles Douglas Best from the practice of law in Georgia. I have enclosed a copy of the Order for your records.

I spoke to Mr. Best last month. He is Presently a patient at Bethel Christian Homes, where he is being treated for an undisclosed problem. I have not been able to get information from Mr. Best regarding your case or the whereabouts of your client file.

With entry of the Court's Order, our investigation of Mr. Best is over. However, you may wish to file a claim with the State Bar of Georgia's Client' Security Fund, which is sometimes able to reimburse money that former clients have lost as the result of a lawyer's dishonest conduct. You may be able to recover some of the fees that you paid Mr. Best by filing an application to the Clients' Security Fund. I have enclosed a brochure that describes the Fund and an application form for your use.

If you have not already done so, you will need to hire another lawyer to complete the legal matter that Mr. Best was handling for you. Good Luck with your case.

Sincerely,

/s/ Paula Frederick
Paula J Frederick
Deputy General Counsel

PJF/dmg

104 Marietta Street, N.W. - Suite 100 - Atlanta, Georgia 30303
(404) 527-8720 - (800) 334-6865 - (404) 527-8744 facsimile

In the Supreme Court of Georgia

Decided NOV 21 2005
(Stamped)

S05Y1880; S05Y1881; S05Y1882, S05Y1883,
S05Y1884; S05Y1885, S05Y1886, S05Y1887
IN THE MATTER OF CHARLES DOUGLAS BEST

PER CURIAM.

These disciplinary matters are before the Court on the Notices of Discipline filed by the State Bar against Respondent Charles Douglas Best in which it recommends that Best be disbarred for his violations of Rules 1 3, 1.4, 8 4 (a) (4); and 9.3 of the Rules of Professional Conduct found in Bar Rule 4-102 (d). The State Bar Served Best by publication in accordance with Bar Rule 4-203 1 (b) (3) (ii) but Best failed to reject the notice within 30 days of service, see Bar Rule 4-208 3 (a), and accordingly, he in default, has no right to an evidentiary hearing and is subject to the discipline of this Court See Bar Rule 4-208. 1(b)

Footnote:

We note that, for the first time, Best has filed a petition for voluntary surrender of his license with this Court. In general, However, such petitions may be submitted prior to the issuance of a formal complaint for the consideration by the State Bar, not this Court. See Bar Rule 4-227 (b).

In each of the eight cases, Best accepted representation and fees, but took little or no action to pursue his clients' cases. His telephone numbers were disconnected and he moved from his office with no forwarding address. He did not contact or communicate with his clients, nor did he take any action to protect their rights. Accordingly, we agree with the name of Charles Douglas Best be removed from rolls of attorneys authorized to practice law in the State of Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

Footnote:

Therefore, we do not consider Best's untimely petition, and it does not change the outcome in this case

APPENDIX K– THIS IS THE DOCTOR'S LETTER FROM KAISER PERMANENTE THAT IS DATED SEPTEMBER 20, 2002 WHILE THE PLAINTIFF WAS STILL EMPLOYED BY THE STATE OF GEORGIA WHERE THE PLAINTIFF WAS ON LEAVE AWAITING SURGERY IN ACCORDANCE WITH THE STANDARD OPERATING PROCEDURES OF DCS-OPS-MS (190) 29 JULY 1995 WHERE THE DEFENDANTS UNDER DAVID POYTHRESS COMMAND VIOLATED THE DOCTOR'S ORDERS ON SEPTEMBER 27, 2002

KAISER PERMANENTE

September 20, 2002

State of Georgia
Department of Defense National
Guard Headquarters
935 East Confederate Avenue
Atlanta, Georgia 30316

Attention: Personnel Office

Re: Williams, Emmett
HR # 0460647

To Whom it May Concern:

Mr. Emmett Williams is being treated for hypertension. He has an on-going problem with his right elbow following a fall. He was status post elbow surgery on 10/18/01, but unfortunately this did not correct the deformity. He has lost function of his elbow and is unable to fire his revolver. I recommend that he stay on light duty until completion of his treatment with his orthopedist. He should be allowed to take time off work because of his disability

Sincerely

/s/ E.L.W.

/s/ Toan Nguyen
TOAN NGUYEN, MD
Lead Physician HCT A
Department of Internal Medicine
Panola Medical Office
404 365-0966

/s/ GAIL HILL 9/30/02
Notary Public
Dekalb County Georgia
My Commission Expires
Aug. 27, 2005